compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

Remarks

Reconsideration of the present application is respectfully requested. Claims 1 and 12 have been amended. No new matter has been added. Claims 1-4, 6-9, 11-13, 15-19 and 21 are pending in the application.

Claims 1, 2, 4, 6-9, 11-13, 15-19 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,968,887 to Woolworth ("the Woolworth reference"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Woolworth reference. The Woolworth reference is directed toward a one-piece floating bait bucket having a ring mounted to the upper rim to keep the bucket afloat when placed in a body of water. A plurality of passages are formed in the ring around the circumference of the bucket. Applicants respectfully traverse these rejections.

The invention of claims 1 and 12 relate to a livewell tank having a bottom, a lower sidewall, an upper sidewall, a top, a baffle and an overflow drain. The lower sidewall section has first and second opposing ends, and is coupled with the bottom at its first end to define a lower interior compartment. The upper sidewall section has first and second opposing ends. The top is coupled with the second end of the upper sidewall section and forms an opening sized for receiving a fish. Further, the top has an upper surface projecting inwardly from the upper sidewall section to cover a portion of the interior compartment. The baffle is coupled with the upper and lower sidewall sections and has first and second surfaces. The first surface extends generally horizontally from the second end of the lower sidewall section inwardly into the interior compartment. The second surface extends outwardly toward the first end of the

upper sidewall section to form an upper interior compartment between the baffle and the top, wherein water can come into contact with the upper sidewall. The overflow drain is coupled with the upper sidewall section of the tank between the top and the baffle whereby the upper section is capable of retaining water near the top of the compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

By providing a construction in accordance with claims 1 and 12, numerous advantages are realized. For example, the upper sidewall section of the live well is capable of retaining water near the top of the interior compartment regardless of the movement of the boat so that sloshing within the compartment is minimized. Thus, the turbulent flow within the tank is significantly reduced and the fish are maintained in a safe environment.

None of the references of record, either when considered singly or in combination with one another, show or suggest a live well with a baffle containing a second surface that extends outwardly toward an upper sidewall section to form an upper section of an interior compartment as recited in claims 1 and 12. Further, none of the references of record, either when considered singly or in combination with one another, show or suggest a live well with a baffle that separates upper and lower interior compartments as recited in claims 1 and 12.

In rejecting claims 1 and 12, the Examiner relied upon the Woolworth reference for the teaching of a baffle stating that the Woolworth reference "shows a baffle 20 coupled to the sidewall section extending inwardly from the sidewall section into the interior compartment having a first surface 23 extending generally horizontally from the sidewall section." (Page 2, lines 7-9). Further, the Examiner stated that the Woolworth reference "shows a second surface 25 extending outwardly toward the sidewall section to form an upper section of the interior compartment between the baffle and the top." (Page 2, lines 9-11) However, the second surface

25 contained in the Woolworth reference is merely a passage that extends through the flotation ring for the circulation of water into and out of the bucket. (Col. 2, lines 29-32) The passage 25 does not create an upper section of the interior compartment between the baffle and the top for increased water capacity. Further, water is not able to remain inside of any upper interior compartment or allowed to contact any upper sidewall. Therefore, in contrast to forming an upper interior compartment between the baffle and the top, the passages 25 are used to provide free flow of water into and out of the bucket and to reduce the sloshing water within the bucket. (Col. 2, lines 35-36, 62-64). In contrast, the present invention allows for increased volume, water capacity, and the ability of the water to remain near the top of the upper compartment and thus in contact with the upper sidewall.

Further, the Woolworth reference does not contemplate upper and lower interior compartments that are separated by a baffle. This is evident given the fact that there is no space or compartment located between the ring 20 and the top 3 of the bucket in the Woolworth reference. In fact, the Woolworth reference expressly states "[t]he ring 20 is suitably secured in place . . . between the surfaces 21 and 22 and the side and top respectively of the bucket." (Col. 2, lines 18-20) Moreover, the Woolworth reference states "[t]he ring is also shown as being confined by the rim 7 and by an inwardly projecting rib or bead 24 formed in the side wall" (Col. 2, lines 20-22). Therefore, the Woolworth reference does not teach a second surface that tapers outwardly toward the upper sidewall to create an upper interior compartment. The Woolworth essentially contains a single interior compartment that tapers inwardly from the rib 24 to the rim 7 along the free surface 23.

Since none of the references to teach or suggest all of the limitations in independent claims 1 and 12, Applicants respectfully request withdrawal of the § 102(b)

rejection of claims 1 and 12. As claims 2-4, 6-9, 11, 13, 15-19 and 21 depend either directly or indirectly from claim 1, these claims are believed to be in condition for allowance for at least the above cited reasons. As such, Applicants respectfully request withdrawal of the § 102(b) rejection of claims 2-4, 6-9, 11, 13, 15-19 and 21 as well. Each of claims 1, 2-4, 6-9, 11-13, 15-19 and 21 are believed to be in condition for allowance and such favorable action is respectfully requested.

Conclusion

Applicants respectfully submit that the application as amended is in condition for allowance and request such favorable action. Should the Examiner believe any issues are outstanding, the Examiner is encouraged to call the undersigned at (816) 474-6550.

Attached hereto is a marked-up version illustrating the changes made to the claims by virtue of the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

The present Response is being filed concurrently with 1) a Petition for an Extension of Time along with a check for $410.00; and 2) a Request for Continued Examination along with a check in the amount of $750.00 pursuant to 37 C.F.R. § 1.17(e). The Commissioner is hereby authorized to charge any additional fees that are required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL AMOUNT REQUIRED, OR CREDIT ANY OVERPAYMENT, TO ACCOUNT NO. 19-2112. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Serial No. 09/451,341
Attorney Docket No. TKMA.65581

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please make the below-indicated amendments to the claims. Material enclosed by brackets is to be removed and material which is underlined is to be added.

In the Claims

Claims 1 and 12 have been amended as follows:

1. (Four Times Amended) A live well tank for use on a boat to hold water and fish, said tank comprising:

a bottom;

a lower sidewall section having first and second opposing ends, said lower sidewall section coupled with said bottom at said first end to define [an] a lower interior compartment;

an upper sidewall section having first and second opposing ends;

a top coupled with said second end of said upper sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from said upper sidewall section to cover a portion of said interior compartment;

a baffle coupled with said upper and lower sidewall sections having first and second surfaces, said first surface extending generally horizontally from said second end of said lower sidewall section inwardly into said interior compartment, said second surface extending outwardly toward said first end of said upper sidewall section to form an upper [section of said] interior compartment between said baffle and said top, wherein water can come into contact with the upper sidewall; and

an overflow drain coupled with said upper sidewall section of said tank between said top and said baffle whereby said upper section is capable of retaining water near said top of said compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

12. (Four Times Amended) A livewell tank for use on a boat to hold water and fish, said tank comprising:

a bottom;

a lower sidewall section having first and second opposing ends, said lower sidewall section coupled with and upstanding from said bottom at said first end to define [an] a lower interior compartment;

an upper sidewall section having first and second opposing ends;

a top coupled with said second end of said upper sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from a portion of said upper sidewall section to cover a portion of said interior compartment; and

a baffle coupled with said upper and lower sidewall sections, said baffle having first and second surfaces, said first surface extending generally horizontally from said second end of lower sidewall section inwardly into said interior compartment, said second surface extending outwardly toward said first end of said upper sidewall section to form an upper section between said baffle and said top, wherein water can come into contact with the upper sidewall whereby said upper section is capable of retaining water near said top of

compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.